



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AES/DCP/DKK
F.#2014R00501

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 28, 2017

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Evan Greebel
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The government submits this letter in response to the defendant's letter regarding 91 documents he seeks pursuant to two Rule 17 subpoenas that he served this morning during the direct examination of the government's final witness in its case-in-chief. (See Dkt. No. 457 ("Ltr.")) That 12-page letter makes clear that the 91 documents requested in the subpoenas are already in the defendant's possession; that he intends to use them in his case-in-chief; and that he chose not to timely produce them in response to the government's multiple requests for reciprocal discovery pursuant to Rule 16(b)(1)(A). As the government argued in court earlier today, the defendant should not be permitted to use a Rule 17 subpoena to cure his failure to

comply with his discovery obligations and circumvent the requirements of Rule 16. He should be precluded from using any documents received in response to these subpoenas.¹

Respectfully submitted,

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/
Alixandra E. Smith
David C. Pitluck
David K. Kessler
Assistant U.S. Attorneys
(718) 254-7000

¹ The defendant also asserts: “we have not insisted – nor could we – that the government tell us already which witnesses it might call in rebuttal or which exhibits they might choose to put on.” (Ltr. at 4.) Yet just last week, the defendant wrote: “We also request, respectfully, that the Court set a deadline of November 28, 2017 for the government’s disclosure of its rebuttal experts, if any, including summaries of any such expert’s qualifications and opinions, as well as the bases and methodologies thereof.” (See Dkt. No. 454 at 13 n.3.)